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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191735
Party	Defendant Kenneth Michael Cheney
Correspondence Address	KENNETH MICHAEL CHENEY 1830 HOLLYVIEW DRIVE SAN RAMON, CA 94582 UNITED STATES michael@verumsports.com
Submission	Other Motions/Papers
Filer's Name	Kenneth Michael Cheney
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Date	10/08/2010
Attachments	Pretrial Disclosure 10-8-10.pdf ( 2 pages )(16938 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Abercrombie & Fitch Trading Co.,

Opposer,

v.

Opposition No. 91191735

Kenneth Michael Cheney

Applicant

**APPLICANT'S PRETRIAL DISCLOSURES**

Kenneth Michael Cheney ("Applicant") makes the following Pretrial Disclosures to Abercrombie & Fitch Trading Co. ("Opposer"), pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, and Rule 2.121(a) of the Trademark Rules of Practice.

A. Kenneth Michael Cheney, President and CEO  
Verum Sports, Inc.  
Marietta, GA 30067  
Telephone: (404) 861-9951

Mr. Cheney will testify that all of the information presented by Opposer is irrelevant as to whether or not the Cheney Mark and the Opposer's Mark are confusingly similar. He will also testify that Applicant was originally granted registration of the Cheney Mark and that nothing presented by Opposer has shown factually that the Cheney Mark and the Opposer Mark are similar enough to cause the Trademark Trial And Appeal Board to grant a successful opposition. His testimony will also point out that the United States Patent and Trademark Office did its due diligence, which included a complete review of Opposer's Mark, when it originally granted registration of the Cheney Mark.

Respectfully submitted,

Verum Sports, Inc.

By: \_\_\_\_\_(Signed)\_\_\_\_\_  
Kenneth Michael Cheney  
Verum Sports Inc.  
President/CEO

**Certificate of Service**

I hereby certify on this 8<sup>th</sup> day of October 8, 2010, the foregoing Applicant's Pretrial Disclosure was served upon Opposer via email by agreement of the parties to: KayserS@howrey.com and McCartyK@howrey.com.

\_\_\_\_\_(Signed)\_\_\_\_\_